

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS RODRIGUEZ,

Petitioner,

v.

KEVIN ROONEY,

Respondent.

Case No. 2:22-cv-01898-JDP (HC)

ORDER

On February 17, 2023, I screened petitioner's petition for writ of habeas corpus and notified him that it failed to state a viable claim and failed to indicate which, if any, of his claims were exhausted in state court. ECF No. 6. I granted him thirty days to file an amended petition. *Id.* To date, petitioner has not filed an amended petition.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 Petitioner will be given an opportunity to explain why the court should not dismiss his
2 case for failure to file an amended petition. Petitioner's failure to respond to this order will
3 constitute a failure to comply with a court order and will result in dismissal of this case.
4 Accordingly, petitioner must show cause within twenty-one days of the date of entry of this order
5 why the court should not dismiss his case for failure to prosecute and for failure to state a claim.
6 Should petitioner wish to continue with this lawsuit, he shall also file, within twenty-one days, an
7 amended petition for writ of habeas corpus.

8
9 IT IS SO ORDERED.

10 Dated: May 15, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE